Independent Reporting Mechanism

Action Plan Review: Mongolia 2023–2027

Open Government Partnership

Independent Reporting Mechanism

Table of Contents

Section I: Overview of the 2023–2027 Action Plan

Mongolia's fifth action plan intends to pass promising legislation on extractive transparency and media freedom. It also aims to support participatory evaluation of government policies and services. Its commitments could go further to take advantage of the new four-year implementation period. Development of the action plan significantly strengthened government-civil society collaboration on OGP, despite gaps in financial and high-level political support.

Mongolia's fifth action plan is its first to span a four-year implementation period (December 2023–December 2027). All nine of its commitments continue reforms in policy areas from previous action plans, designed with clearer objectives and milestones. During development of the action plan, Mongolia continued to meet the OGP minimum requirements for co-creation. Mongolia's OGP multistakeholder forum decided to undertake a four-year action plan to increase engagement and impact from the OGP platform, with quarterly and biannual reporting cycles to monitor implementation progress. Prior to the co-creation process, government and civil society leaders had emphasized the need to strengthen the impact of Mongolia's OGP action plans and the level of collaboration during implementation, which had fallen short of expectation in the past.[1]

Overall, four of the commitments undertake promising reforms. Two have substantial potential for results—Commitments 1 and 4 carry forward attempts to strengthen legislation on extractive sector transparency and press freedom from previous action plans. To complement legislative actions, implementers could consider further non-legislative measures as well. Commitments 8 and 9 are a cluster aimed at improving participatory evaluation of government policies and services. While this would be a positive step for participation, the cluster's potential for results could be strengthened by measures to ensure sustainability. As for the remainder of the action plan, Commitments 3, 6, and 7 carry modest potential for results to enhance civil society transparency, improve the inclusion of persons with disabilities, and mainstream open-data culture. Commitment 2 on freedom of information and Commitment 5 on fiscal transparency have unclear potential for results. Despite targeting the important policy areas, Commitment 2 repeats other commitments' milestones and Commitment 5 does not plan for significant improvements to existing practices.

AT A GLANCE

Participating since 2013
Number of commitments: 9

Overview of commitments:
Commitments with an open government lens: 9 (100%)
Commitments with substantial potential for results: 2 (22%)
Promising commitments: 4

Policy areas:
Carried over from previous action plans:
- Extractive transparency
- Access to information
- Civic rights and participation
- Freedom of the press
- Fiscal transparency
- Open data

Compliance with OGP minimum requirements for co-creation:
Yes

Open Government Partnership

Independent Reporting Mechanism

The action plan's ambition does not fully reflect the advantage that comes with a longer implementation timeframe. Crucially, some commitments do not have milestones beyond 2025.

These commitments were developed over a two-month co-creation period, led for the first time by the National Committee for Human Rights (NatComHR). Responding to civil society leaders' calls for a formal multistakeholder space for dialogue, NatComHR held an open call for stakeholders to join the multistakeholder forum.[2] In November 2023, a working group comprising of 28 government representatives and 24 non-government representatives was mandated to develop the action plan by Chief Cabinet Secretariat Order No. 99. Representatives were concentrated in Ulaanbaatar and meetings took place online. The working group discussed 10 commitment proposals drawn from past commitments that had not been fully completed, and four additional proposals suggested by an online questionnaire. Following a public discussion, the working group agreed on 10 proposals for further deliberation. After considering comments from 20 government representatives and 30 non-government representatives, the working group finalized nine commitments for inclusion in the action plan and received the Chief Cabinet Secretariat's approval with the issuance of Order No. 120 on 27 December 2023. Of these nine commitments, four (1, 3, 4, and 7) were proposed by civil society stakeholders, three (6, 8, and 9) were proposed by government stakeholders, and two (2 and 5) were jointly proposed. Proposals that were not included in the action plan aimed to reform environmental and waste management, public procurement, access to justice, and business and human rights.[3]

NatComHR significantly improved the co-creation process, taking a major step forward for Mongolia's OGP platform despite constraints in financial and high-level political support. NatComHR followed the available guidelines and IRM recommendations closely in designing the co-creation agenda,[4] compared to previous cycles which at times lacked effective dialogue,[5] government leadership,[6] or transparent documentation.[7] NatComHR, comprised of only two full-time staff, said they had to be creative in leading co-creation without any dedicated budget or support staff—for example, prioritizing free-of-cost online engagement and scheduling co-creation meetings alongside other budgeted activities.[8] NatComHR also took the initiative to improve the transparency of the co-creation process. It uploaded co-creation meetings and a brief OGP introductory video to its official YouTube channel.[9] The practice of publishing updates on the national OGP website immediately after each co-creation activity in both English and Mongolian provided thorough access to information, including meeting notes, video recordings, consultation notices, lists of participants, and chronological versions of the draft action plans.[10] Long-time civil society participants in Mongolia's action plans found that the co-creation process created a constructive environment for the working group, offered equal opportunities for stakeholders to collaborate, and was more informative and engaging than previous cycles.[11]

Ahead of the 2024 parliamentary election and the 2027 presidential election, it is imperative that NatComHR and the working group are equipped with sufficient resources to ensure successful action plan implementation. Given that this is Mongolia's first four-year plan, the IRM also recommends considering an amendment process to strengthen the commitments' potential for results. This is permitted within one year of the action plan's submission[12] or during the action plan's refresh period at its halfway point.[13] The amendments could help raise the ambition level of existing commitments or introduce new ones to the action plan.

---

[1] Bolorsaikhan Badamsambuu and Nominchimeg Davaanyam (National Committee for Human Rights), correspondence with IRM researcher, 11 Mar. 2024.

Open
Government
Partnership

Independent
Reporting
Mechanism

[2] National Committee for Human Rights, "Invitation to participate in Open Government Partnership fifth national plan development," (15 Sep. 2023), https://irgen-tur.mn/mn/blog/ogp/single/220.

[3] Bolorsaikhan Badamsambuu and Nominchimeg Davaanyam (National Committee for Human Rights), interview by IRM researcher, 5 Feb. 2024, and correspondence with IRM researcher, 2 Feb. 2024 & 11 Mar. 2024.

[4] National Committee for Human Rights, "Бидний тухай" [about us] (accessed 5 May 2024), http://irgen-tur.mn/mn/blog/ogp.

[5] Open Government Partnership, "IRM Design Report: Mongolia 2019–2021" (3 Nov. 2021), https://www.opengovpartnership.org/documents/mongolia-design-report-2019-2021.

[6] Andy McDevitt, IRM Action Plan Review: Mongolia 2021–2023 (Open Government Partnership, Jul. 2022), https://www.opengovpartnership.org/documents/mongolia-action-plan-review-2021-2023.

[7] Open Government Partnership, "IRM Progress Report: Mongolia 2016–2018," Open Government Partnership, 18 Sep. 2018), https://www.opengovpartnership.org/documents/mongolia-mid-term-report-2016-2018-year-1.

[8] Badamsambuu and Davaanyam, interview.

[9] National Committee for Human Rights, "Open Government Partnership Playlist" (YouTube, last updated 6 Feb. 2024), https://www.youtube.com/playlist?list=PL9fK4h0Z5-gGLocqBzSQg3QJSOIofbfwL.

[10] National Committee for Human Rights, "НЭЭЛТТЭЙ ЗАСГИЙН ТҮНШЛЭЛ" [Open Government Partnerships] [news webpage], (accessed 5 May 2024), http://irgen-tur.mn/mn/blog/ogp/news.

[11] Tsolmon Shar (EITI National Council), correspondence with IRM researcher, 12 Mar. 2024; Erdenechimeg Dashdorj (Open Society Forum Mongolia), correspondence with IRM researcher, 15 Mar. 2024; Anonymous civil society stakeholder 1, interview by IRM researcher, 18 Mar. 2024.

[12] Open Government Partnership, OGP National Handbook: Rules & Guidance for Participants v6 (Mar. 2024), https://www.opengovpartnership.org/documents/ogp-national-handbook-rules-and-guidance-for-participants-2022.

[13] The refresh period is an opportunity for stakeholders to reflect on the implementation of a four-year action plan, assess next steps, and determine a way forward to ensure ambition and results.

Section II: Promising Commitments in Mongolia's 2023–2027 Action Plan

The following review looks at the four commitments that the IRM identified as having the potential to realize the most promising results. Promising commitments address a policy area that is important to stakeholders or the national context. They must be verifiable, have a relevant open government lens, and have modest or substantial potential for results. This review also provides an analysis of challenges, opportunities, and recommendations to contribute to the learning and implementation process of this action plan.

Table 1. Promising commitments

Promising Commitments
1. **Advancing Extractive Industry Transparency**: Driven by efforts to pass the Extractive Industry Transparency Bill into law, this commitment aims to sustain political commitment and mobilize resources to establish an integrated industry database, safeguard civic participation measures, embed corporate liability, and ensure budget allocation to support reforms.
4. **Protecting Media Freedom**: This commitment seeks to amend the existing Laws on Official and State Secrets, Media Freedom, Whistleblowers, and Communications to strengthen press freedom and enhance journalistic integrity. An assessment of human rights protection will identify gaps in the protection of civil and political rights at the subnational level.
8 and 9. **Participatory Evaluation of Government Policies and Services**: This cluster of commitments plans to intensify citizens' satisfaction surveys and use the results to improve the effectiveness of government policies and actions through a multistakeholder approach.

Commitment 1: Advancing Extractive Industry Transparency
Ministry of Mining and Heavy Industry, Ministry of Justice and Home Affairs, Ministry of Environment and Tourism, Ministry of Digital Development and Communications, Publish What You Pay, EITI National Council.

For a complete description of the commitment, see Commitment 1 in https://www.opengovpartnership.org/documents/mongolia-action-plan-2023-2027-december.

Context and objectives
Proposed by the Open Society Forum and the Mongolian Natural Saving Fund,[1] this commitment aims to get the Extractive Industry Transparency Bill approved by 2025.[2] It also plans to establish an integrated extractive industry database and a government responsibility to allocate appropriate budget for extractive sector transparency activities.

The extractive sector is central to Mongolia's economy. The Extractive Industries Transparency Initiative (EITI) estimates that the industry contributes 25% of Mongolia's gross domestic product, 30% of national budget revenue, 42% of investment, 57% of industrial production, and 90% of exports.[3] In addition to private corporations, the government also conducts its own mining operations through shares in mining companies, including the state-owned Erdenes Mongol LLC and its subsidiaries. A high level of corruption and weak transparency measures prevent Mongolia from enjoying the full benefits of its mineral resources, with the government incurring billions of dollars in debt.[4] While the government has introduced some pieces of anti-corruption legislation, they are insufficiently enforced and operationalized, and undermined by inconsistent data governance and disclosure practices, according to a U4 Anti-Corruption Resource Centre

publication.[5] The 12.8 billion USD theft of coal exports in 2022, which led to weeks of mass protests,[6] further underlined the need for reform. Regarding EITI, as of 2022, it noted weaker multistakeholder oversight—attributed to a variety of factors, like the transfer of EITI's secretariat from the Prime Minister's Office to the Ministry of Mining and Heavy Industry (MMHI), strict COVID-19 lockdowns, and general constraints on freedom of expression and access to government processes.[7]

Extractive industry transparency has been a consistent theme across all four of Mongolia's previous action plans. Commitments in the first two action plans strengthened beneficial ownership transparency by disclosing extractive contracts and activities.[8] Subsequent commitments in the third and fourth action plans began working towards institutionalizing these reforms through development of an Extractive Industry Transparency Bill but did not pass it into law.[9] Altogether, IRM found that these commitments marginally improved extractives transparency with gaps in data verification, efficiency of the reporting mechanism, and public access to relevant information and databases.[10] Across action plan cycles, stakeholders considered passage of the bill to be an important enabler of extractives sector reform.

Potential for results: Substantial
EITI Mongolia National Council, Steps Without Borders, and Transparency International consider passage of the Extractive Industry Transparency Bill to be fundamental to transparency in the extractive sector, and a key step for anti-corruption.[11] The bill is expected to provide the legal basis for an integrated extractive industry database. To ensure compliance, it would introduce a ten-day limit for government agencies to provide specific data for publication on the database and a five-day limit to update existing data upon any changes.[12] It is expected to result in regular publication of currently unavailable extractive sector information and ease beneficial ownership reporting through automatic reporting.[13] The bill also aims to improve the legal framework for disclosing contract information, National Wealth Fund income and expenditure, and state-owned companies' activities. This is of particular importance as the Minerals Law authorizes the government to take controlling interests in mining companies in line with its investment using public funds.[14] Furthermore, the intended corporate liability provisions also represent an important step toward stronger governance—as long as they include effective enforcement measures. The bill would also institutionalize a public participation mechanism in governing the extractive sector. The legislation would introduce provisions on mandatory compliance with the global EITI standard, allocate funding to support the EITI secretariat and activities, formalize civil society membership in the EITI National Council,[15] and transfer leadership of the EITI process from the MMHI back to the Prime Minister's Office.[16] Key stakeholders noted this as one of the factors that had diminished government support for extractive transparency initiatives.[17]

The commitment seeks to capitalize on momentum to get the bill passed. In the previous cycle, the MMHI completed a draft of the Extractive Industry Transparency Bill that was subsequently approved for submission to the parliament by a working group that included the Ministry of Justice and Home Affairs (MOJHA), the Ministry of Finance (MOF), and the Ministry of Environment and Tourism (MOET).[18] However, Parliament did not approve the bill by the end of the implementation period.[19] Government and civil society stakeholders attributed this failure to the MMHI's lack of commitment to prioritizing the bill[20] as well as overarching privacy concerns.[21] The MOJHA took over responsibility for developing the bill in July 2022 and had published the draft on its website and organized consultation meetings with civil society during the previous action plan cycle.[22]

Open
Government
Partnership

Independent
Reporting
Mechanism

Early into the implementation period of the current commitment, the Open Society Forum noted that the MOJHA was "very open to collaborate" and had already begun multistakeholder consultations on the bill.[23] It is important that stakeholders mitigate potential risks of the legislation continuing to stall, especially in anticipation of a political transition following the June 2024 parliamentary election. For instance, amending existing government resolutions on the EITI framework could provide an alternative pathway toward the reforms targeted by the bill.[24]

Following passage of the bill, the commitment plans for early implementation. To establish an integrated extractive industry database, the commitment's second milestone seeks to streamline intra-governmental coordination at all administrative levels. This would improve public access by collecting information that is not presently available and consolidating published data currently spread across different authorities' platforms. This includes information on extractive licenses, rehabilitated land area, environmental protection expenditures, procurement and contracting data, land and water use permits, environmental and social impact assessments, environmental management plans and reports, and mineral exploration, production, sales, prices, revenues, taxes, royalties, and fees.[25] According to EITI Mongolia, the database will be managed by the EITI National Council; the MMHI will continue supplying information on mineral resources and the MOET will supply information on water, forest, wildlife, and plant resources.[26]

The commitment's third milestone guarantees government funding to support these transparency initiatives. EITI Mongolia expects this to address barriers stemming from understaffing and heavy workloads to maintain compliance with the EITI reporting mechanism and standard.[27] The Open Society Forum notes that this is especially crucial in fulfilling the 2019 Constitutional amendments' mandate to utilize income derived from natural resources fairly and justly for the benefits of citizens through the Future Heritage and the Sovereign Wealth Funds.[28] Representatives of the MMHI and MOJHA as well as the Mineral Resources and Petroleum Authority did not reply to requests for comment on this commitment.[29]

Opportunities, challenges, and recommendations during implementation
Ten years since Mongolia's first OGP action plan, this commitment has the potential to realize the long-sought goal of improved extractive sector governance. Passage of the Extractive Industry Transparency Bill would institutionalize many individual reforms that were introduced in prior action plans. These range from greater contracting and reporting transparency, participatory oversight mechanisms, and stronger information disclosure, which recorded some progress during implementation of previous commitments, but as yet lack consistency and sustainability due to the absence of a strong legal basis.

However, potential political transition following the scheduled June 2024 parliamentary election could force relevant stakeholders to pivot from a legislative track. Failure to act swiftly could set the legislation back, in anticipation of new parliamentary leadership. To enhance implementation of this commitment, the IRM recommends:

- **Conduct a privacy impact assessment to harmonize the Extractive Industry Transparency Bill with existing information transparency laws**, such as the Law on Official and State Secrets, the Law on Information Transparency and Right to Information, and the Law on the Protection of Personal Information. Such an assessment has been conducted in Canada, for instance, to identify privacy risks and develop mitigating measures.[30]
- **Closely consult representatives of the private sector (including state-owned enterprises) in refining and scrutinizing the bill's provisions**. Support from key actors in

the private sector could move the bill higher on the government's priority agenda and generate momentum toward cabinet and parliamentary approvals. In Nigeria, this approach helped address concerns raised by companies without compromising key principles of extractive sector transparency and privacy protection.[31]

- **Build and expand the existing EITI National Council's multistakeholder process** to convene wider government, private sector, and civil society stakeholders to oversee the governance of the extractive industry. The council could also **develop a comprehensive participatory mechanism to conduct data verification and periodic refresh** to increase the accuracy and reliability of the integrated industry database.
- **Design liability provisions that are weighted based on different levels and stages of compliance**. Distinguish the application of administrative, financial, and criminal penalties between companies that have already disclosed beneficial ownership information but do not provide regular updates, and those that have not begun any disclosures. This would incentivize increased compliance.
- **Conduct awareness-raising activities and trainings on beneficial ownership transparency**. Such initiatives could encourage greater public participation and uptake by journalists, for instance, to utilize public data to investigate corruption and illicit flow of funds. Established practices in the Slovak Republic[32] and Ukraine[33] provide strong references as to how these can be embedded in an OGP commitment.
- **Incentivize law enforcement agencies to use the integrated industry database** in investigating and prosecuting corruption, money laundering, bribes, and criminal financing related to the extractive sector. In Indonesia, for example, law enforcement agencies' use of the beneficial ownership registry helped build awareness and created greater demand for free public access to the database.[34]

Commitment 4: Protecting Media Freedom
Ministry of Justice and Home Affairs, Mongolian National News Agency, The Asia Foundation, Media Council of Mongolia, Press Institute, Confederation of Mongolian Journalists, Open Society Forum, Mongolian Center for Investigative Reporting, Center for Journalism Innovation and Development.

For a complete description of the commitment, see Commitment 4 in https://www.opengovpartnership.org/documents/mongolia-action-plan-2023-2027-december.

Context and objectives
This commitment aims to create a favorable environment for the press to access and distribute information in Mongolia. It follows commitments in the second and fourth action plans that attempted to amend the Law on Official and State Secrets, the Law on Media Freedom, and the Laws on Whistleblowers—but did not progress.[35] This commitment carries forward the effort, intending to amend these laws and the Communications Law by 2027. In addition, it aims to improve the existing code of ethics for media workers (established by the Media Council of Mongolia) to further enhance journalistic integrity, implement United Nations' recommendations for protecting civic freedoms and political rights,[36] and conduct human rights reporting at the subnational level. Altogether, these goals are an upgrade on previous commitments and an important step toward protecting media freedom, without being exclusively tied to the outcome of ongoing legislative amendments. This commitment was proposed by the Media Council of Mongolia, Globe International Center, and Nest Center of Journalism Innovation and Development.[37]

Open Government Partnership

Independent Reporting Mechanism

According to Reporters Without Borders (RSF), while principles of freedom and media pluralism are embedded in law to some extent, Mongolia has imperfect defamation laws, which encourage abusive lawsuits against journalists and lead to self-imposed censorship.[38] The imprisonment of journalist Unurtsetseg Naran in December 2023 over allegations of spreading false information and conspiring with foreign intelligence, followed by legal action to block access to the Zarig.mn news website, further underline the significant need for reform in this area.[39] In a context where journalists (and whistleblowers) lack basic legal protection,[40] RSF estimates that more than half of all defamation cases in Mongolia have targeted journalists and media outlets.[41]

Potential for results: Substantial
Through both legislative and non-legislative measures, this commitment could substantially improve protection of media freedom. Journalists in Mongolia face many obstacles when carrying out their duty to keep citizens informed and hold the government accountable. This commitment plans for a multi-pronged approach to address these obstacles centered around legal amendments spearheaded by the Ministry of Justice and Home Affairs (MOJHA).

Proposed amendments to the Law on Media Freedom are intended to protect the safety of journalists and their sources by introducing safeguards against arbitrary arrests on defamation charges and legal coercion to disclose the identity of anonymous informants. They are to be accompanied by corresponding amendments to the Law on Whistleblowers. According to the Globe International Center, these could make substantial progress towards protecting press freedom, as investigative journalists who publish reporting perceived as critical of the government are often compelled to reveal the identity of confidential sources to avoid legal prosecution.[42] Transparency International noted the significance of this legislation to Mongolia's fight against corruption,[43] which requires allowing the press to investigate public officials without fear of retaliation. Another key proposed amendment to the Law on Media Freedom is the introduction of a beneficial ownership regime to increase the media sector's transparency. This is particularly important considering that the Press Institute of Mongolia found that only 5 to 10% of the public trust news outlets[44] due to the concentration of media ownership among politicians,[45] which influences the media's level of independence.

As for the Communications Law, proposed amendments aim to limit the government's ability to arbitrarily restrict communications networks, including news websites. The amendments would limit the grounds on which the government could legally restrict such networks by establishing a set of clear indicators based on the principles of freedoms of expression and speech.[46] The Globe International Center currently notes the government's restrictions on the content of news and information websites, content aggregators, and content suppliers is far too broad in scope.[47] A civil society stakeholder underlined that this amendment is vital for a free press that can discuss and criticize social and political issues without fear of prosecution or censorship.[48]

In addition, proposed amendments to the Law on State and Official Secrets, including annulment of Articles 13.2 and 14.1, could improve journalists' access to government information. According to Article 19 and Transparency International, the existing law allows almost any information to be classified as a state or official secret, which has sometimes led to prosecution of journalists exposing corruption.[49] In recent years, this has been a major obstacle to free media, according to a survey of Mongolian journalists. Government bodies that refused to provide information to journalists reportedly often claimed the information to be either private secrets, organizational secrets, or state secrets.[50] The amendments could narrow the government's ability to make permissible limitations on the right to information.

Open
Government
Partnership

Independent
Reporting
Mechanism

A civil society representative involved in designing this commitment noted that previous efforts to reform these laws were held back by weak political support among parliamentary and political party operatives as well as uncoordinated civil society action.[51] Current involvement of key stakeholders such as Globe International, the Media Council of Mongolia, and the Press Institute of Mongolia, alongside relevant government institutions, could help build a strong case and urgency for parliamentary and political-party leaders support for the amendments.[52]

The commitment could also improve the quality of Mongolia's media landscape through non-legislative means. Public demand for trustworthy information[53] could be fulfilled through enhanced compliance by journalists to a stronger code of ethics.[54] Aside from domestic law, implementation of international recommendations for the industry code of ethics could increase media transparency. For example, the code can adopt principles similar to the International Fact-Checking Network: (1) non-partisanship and fairness, (2) standards for transparency and sources, (3) transparency of funding and organization, (4) standards and transparency of methodology, and (5) an open and honest corrections policy.[55] Finally, although the milestone related to local human rights reporting has unclear significance to the overarching goal of this commitment, those reports could potentially identify where freedoms of speech and expression are most at risk. The MOJHA did not reply to IRM requests for comment on this commitment.[56]

Opportunities, challenges, and recommendations during implementation
Given relatively minimal progress in amending the Laws on State and Official Secrets, Media Freedom, and Whistleblowers to date, it is important for government stakeholders to work closely with civil society advocates, journalists, and media organizations to mobilize resources and generate political support. During implementation, the IRM recommends the following:

- **Involve wider media stakeholders when developing legislative proposals and improving the media code of ethics**. This includes not only journalists, but also company owners, investors, observers, civil society advocates, service providers, publishers, and professional associations. **Engage law enforcement agencies** to mitigate the risk of disproportionate use of Article 13.4 of the Criminal Code in levying charges against journalists.
- Introduce provisions to **incentivize media compliance with the industry code of ethics**. For example, stakeholders could mobilize resources for a **media ethics certification training** by an independent party (e.g., professional association, civil society organization, or academic institution). While the government may provide resources for media ethics compliance, it is advisable that they have no influence on the code's administration or enforcement. This is especially critical as government interference could result in the code being used to stifle journalistic freedom, e.g., by limiting credentials and work permits for journalists who opt out from obtaining such certification.
- **Introduce non-litigious alternatives to settle disputes related to media reports and breach of journalistic ethics**. In Indonesia, for example, a three-tier mediation process facilitated by an independent Press Council must fail first before legal charges can be brought against journalists and media organizations.[57] An independent Information Commission could also provide alternative dispute settlement pathway when government institutions fail to comply with certain information disclosure requirements.[58]
- **Adopt a multistakeholder approach** toward implementing international recommendations and its oversight as well as the monitoring and evaluation of freedoms of speech, expression, and assembly at the local level. In the interim period before

Open
Government
Partnership

Independent
Reporting
Mechanism

relevant amendments are passed, a working group of key stakeholders for this commitment could serve as a formal space for dialogue.

Commitment Cluster 8 and 9: Participatory Evaluation of Government Policies and Services
Authority of Government Supervisory.

For a complete description of the commitments, see Commitments 8 and 9 in
https://www.opengovpartnership.org/documents/mongolia-action-plan-2023-2027-december.

Context and objectives
The commitments in this cluster intend for a participatory evaluation of government policies and services. They carry forward objectives from the third action plan,[59] but undertake a more ambitious scope. Commitment 8 plans to increase the frequency of a citizens' satisfaction survey on the quality, transparency, and openness of public services. Surveys were every two years; Commitment 8 seeks surveys monthly, quarterly, biannually, and annually. Survey results will inform further evaluation through a new multistakeholder process under Commitment 9. Together, these two commitments could establish a formal civic engagement channel for making government policies and services more coherent, consistent, and responsive to public needs. Having proposed the commitments, the Authority of Government Supervisory (AGS) will lead implementation alongside the Mongolian Women's Labor Support Association, the Mongolian Women Lawyers Association, and the Center for Human Rights and Development.[60]

Potential for results: Modest
More frequent citizen satisfaction surveys could provide the AGS with timely input for institutions to address gaps in policy implementation and service delivery. Meanwhile, the multistakeholder process to filter the survey results and consider appropriate corrective measures could empower the public to participate in guiding these actions.

The practice of conducting citizen satisfaction surveys builds on an existing mandate from Government Resolution No. 206 of 2020. Leadership of the recently established AGS in the implementing these two commitments is an important factor. In doing so, AGS established a taskforce – composed of the State Secretaries of all 16 ministries and the Cabinet Secretariat as well as civil society stakeholders – which could ensure that the recommendations of the multistakeholder forum are taken up by relevant institutions.[61]

The inclusion of civil society, private sector, and public representatives in the multistakeholder dialogue, as well as the emphasis on the process of policy and service delivery, are positive steps forward compared to the current largely internal and result-oriented evaluation. This is an important distinction as it underlines the key strength of these commitments in allowing government institutions to be flexible and adaptive in adjusting policy implementation and service delivery. In the longer term, this could guarantee that citizens enjoy the full benefits of government policies and services.

Overall, the National Committee for Human Rights expects this cluster to improve the current practice of conducting citizen satisfaction surveys once every two years and address the absence of a formal procedure to consider and act upon survey results.[62] However, the commitments stand to have only modest potential for results because their milestones do not guarantee binding mechanisms to ensure uptake of the survey results or of the multistakeholder forum's recommendations. The AGS did not reply to IRM requests for comment on this commitment.[63]

Opportunities, challenges, and recommendations during implementation
To strengthen this cluster's potential for results, the AGS could introduce milestones to sustain the increased frequency of the survey and multistakeholder dialogue in the long-term. Implementers can reference Brazil's policy council framework, which uses a government decree to establish its policy councils as permanent[64] and mandates that regulatory bodies consider stakeholder recommendations in the formation, execution, monitoring, and evaluation of programs and public policies.[65] For Mongolia, a strong legal framework linking the survey and ensuing multistakeholder dialogue to policymaking would represent significant improvement over current practices. The IRM recommends the following to ensure the cluster's success:

- Before commencing the cluster's activities, the AGS can conduct trainings for all government institutions and local government administrators to **establish a shared understanding of the participatory evaluation methodology and streamline expectations**. It can leverage the existing OGP working group and civil society networks to **reach underserved and under-represented groups** who may require extra assistance to participate meaningfully.
- **Institutionalize the multistakeholder dialogue** to sustain the implementation of participatory evaluation beyond this action plan cycle. The AGS could amend Government Resolution No. 206 of 2020 to establish the multistakeholder forum's remit, mandate, rules of engagement and participation, and monitoring and evaluation mechanisms to track compliance. By leveraging its structural links to all ministries and the cabinet secretariat, the AGS could **formalize mechanisms to consider stakeholder recommendations** generated by the multistakeholder dialogue. These steps have been crucial to the success of a similar model implemented in Brazil.[66]
- In addition to the multistakeholder process to deliberate on the survey findings, **create participation opportunities in preparing the citizen satisfaction surveys**. This would facilitate public involvement in the full cycle of evaluating government policies and services. Specifically, it is important to **partner with academic experts** to design these surveys to ensure scientific accuracy of the survey methodology and impartiality in data collection, selection of respondents, questionnaire design, and dissemination.
- **Employ an omnichannel outreach strategy** using conventional tools (e.g., paper-based forms, phone calls, in-person interviews) and digital platforms (e.g., government websites, social media networks, emails) to maximize the surveys' dissemination. Sufficient advance notice prior to dissemination can ensure that citizens are well aware of the periodic scheduling.
- **Publish comprehensive documentation** of the survey findings and **track specific actions and/or decisions** adopted by government institutions to monitor compliance with the recommendations of the multistakeholder forum.

Other commitments
Other commitments that the IRM did not identify as promising commitments are discussed below. This review provides recommendations to contribute to the learning and implementation of these commitments.

Commitment 2 aims at safeguarding freedom of information by clarifying the criteria for disclosing government-held information on the www.shilen.gov.mn portal. Milestone 1 does not offer clear information on what would be done to improve citizens' access to public information. Meanwhile, the evaluation of open data transparency across ministries, agencies, local administrations, and other public institutions by the Ministry of Digital Development and

Communications prior to the action plan implementation period shows an overall good level of compliance—the majority scored above 90% and none scored lower than 50%.[67] Milestone 2 on electronic regulation and control of medicines and medical devices repeats a similar objective from the previous action plan,[68] but is not relevant to an OGP value. Milestones 3 and 4 on the creation of an integrated extractive industry database and participation of civil society in extractive governance oversight are redundant to an identical milestone of Commitment 1. In order to achieve meaningful results, this commitment could aim to train government officials on proactive data disclosure and establish a participatory mechanism for citizens to analyze gaps in existing data, identify priority data to disclose, and evaluate the accuracy and reliability of government data.

Aimed at strengthening the capacity and transparency of the civil society sector, **Commitment 3** carries modest potential for results. Milestones 1 and 2 would institutionalize partnership between government and civil society as well as provide technical support and legal protection for civil society coalitions by amending laws regulating non-governmental organizations, foundations, and professional associations. Milestones 3 and 4 would enhance transparency of the civil society sector by introducing a mechanism to disclose civil society contracts, funding, and programs that are financed by public funds. However, according to a non-government stakeholder, while civil society generally views the commitment positively, they are concerned that the Ministry of Justice and Home Affairs will draft the amendments without closely consulting them. As a result, civil society stakeholders worry that the amendments could instead lead to government surveillance and diminish civil society's independence and freedom. The Ministry's irregular and inconsistent participation during co-creation of this commitment, despite its status as the lead implementing agency, further exacerbated this concern.[69]

Continuing fiscal transparency reform in alignment with the World Bank-funded Mainstreaming Social Accountability in Mongolia (MASAM) project, **Commitment 5** repeats past commitments' efforts to disclose budget plans and amendments, investment projects, and foreign loans and aid on the shilendans.gov.mn and odamis.mof.gov.mn portals while enabling public participation in the drafting of local budgets. Similar to the previous action plan's commitment on this policy area, the current commitment does not plan for new or expanded budget transparency measures beyond existing practices.[70] As such, this commitment has unclear potential for results. To ensure that the commitment improves open government practice, stakeholders can improve the quality of public participation. For example, while drafting local budgets, government administrators could go beyond simply accepting public input and report back to citizens on how their input was considered and used in the final budget plans. To achieve meaningful open government results, the Ministry of Finance could clarify how public input is considered (and potentially acted upon) in the fiscal process or expand the scope of participatory budgeting beyond that of the MASAM project. Further integration of the different budget portals into a unified platform, as well as adopting a more comprehensive approach that spans the full budget cycle beyond planning (i.e., implementation, reporting, and audit) would also increase the potential for results and showcase the added value of the OGP process toward greater fiscal transparency.

Commitment 6 focuses on important reforms to create an enabling legal framework and conditions to ensure that persons with disabilities (PWDs) can access public services and care systems with respect for their agency as individuals capable of living independently. The commitment addresses multiple layers of public service—budget allocation, needs assessment, infrastructure, legal reform, and an inclusive educational and care system for children with disabilities. While implementing this commitment would increase inclusion of PWDs in public life,

only Milestones 3 and 6 have clear relevance to OGP values, aimed at increasing the participation of PWDs in policymaking and collaborating with CSOs on a needs assessment for PWDs inclusion. Wider institutionalization of participation for PWDs across all areas of public service delivery could enhance the commitment's potential for results.

Building on the existing legal framework for open data, **Commitment 7** aims to establish and implement open data standards across administrative levels as well as evaluate the comprehensiveness, quality, and compliance of available data using those standards. While the commitment design recognizes the low uptake and utilization of open data by the private sector, citizens, and civil society, it does not include provisions for channeling public input on how open data can better cater to their needs. For examples on how to strengthen ambition, implementers could look to Argentina's open data commitments, which endeavor to create a participatory mechanism allowing citizens to identify gaps in public data and evaluate their quality based on an agreed set of indicators.[71] Given gaps in government employees' capacity to manage public data, the commitment could also undertake capacity building in areas like data management, open data, and public information disclosure.

Overall, while these commitments aim to implement reforms in important policy areas, they have an unclear or modest potential for results, and do not fully take advantage of the action plan's four-year implementation period. Some of these commitments' milestones do not extend beyond 2025. During the action plan's refresh period, which will take place during late 2025, stakeholders have the opportunity to review the implementation of commitments and add, expand, or adjust the targets set by each commitment's milestones. Stakeholders could consider institutionalizing new or improved practices under Commitments 5 and 7, introducing a multistakeholder process to review the implementation of measures under Commitment 2 and 3, and including other marginalized groups under Commitment 6 (e.g., impoverished communities, religious and social minorities, or people who live in remote rural areas), as well as creating a legal mandate for their meaningful participation in government decision-making.

---

[1] Bolorsaikhan Badamsambuu and Nominchimeg Davaanyam (National Committee for Human Rights), correspondence with IRM researcher, 11 Mar. 2024.

[2] Open Government Partnership, "Mongolia: Advancing Extractive Industry Transparency (MN0057)" (accessed 11 Feb. 2024), https://www.opengovpartnership.org/members/mongolia/commitments/MN0057.

[3] Extractive Industries Transparency Initiative, "Mongolia" (accessed 4 Feb. 2024), https://eiti.org/countries/mongolia.

[4] Jorgelina Do Rosario and Karin Strohecker, "Mongolia Needs Mining Investments Ramp Up to Meet GDP Target - Finance Minister" *Reuters* (9 Jan. 2024), https://www.reuters.com/markets/asia/mongolia-needs-mining-investments-ramp-up-meet-gdp-target-finance-minister-2024-01-09.

[5] Bayar Dashpurev, "The 'Coal Theft' Case: Corruption and Reform of Mongolia's Strategic Minerals Governance" (U4 Anti-Corruption Resource Centre, 27 Feb. 2024), https://www.u4.no/publications/the-coal-theft-case-corruption-and-reform-of-mongolias-strategic-minerals-governance.

[6] Munkhchimeg Davaasharav, "Mongolians Brave Bitter Cold to Protest 'Coal Theft' Corruption" *Reuters* (8 Dec. 2022), https://www.reuters.com/world/asia-pacific/mongolians-brave-bitter-cold-protest-coal-theft-corruption-2022-12-08.

[7] EITI International Secretariat, *Mongolia 2022 Validation Report* (Extractive Industries Transparency Initiative, 19 Jul. 2022) 5–6.

[8] Open Government Partnership, "Mongolia: Develop Central Information Database of Minerals, Oil, and Land Tenure License Owners, Open to the Public (MN0004)" (accessed 11 Feb. 2024), https://www.opengovpartnership.org/members/mongolia/ commitments/MN0004; Open Government Partnership, "Mongolia: Ensure Transparency of All Agreements on Investment, Stability, and Production-Sharing of Public-Owned Resources Such as Water, Minerals, Oil, and Land (MN0005)" (accessed 11 Feb. 2024), https://www.opengovpartnership.org/members/mongolia/commitments/MN0005; Open Government Partnership, "Mongolia: Transparency of Contracts of Public Resource Exploiting (MN0032)" (accessed 11 Feb. 2024), https://www.opengovpartnership.org/members/mongolia/commitments/MN0032; Open Government Partnership,

"Mongolia: Information Transparency of the Owners of the Entities with Rights to Use Mineral Resources (MN0033)"
(accessed 11 Feb. 2024), https://www.opengovpartnership.org/members/mongolia/commitments/MN0033; Open
Government Partnership, "Mongolia: Make Licenses, Information, and Activities of the Companies Transparent and
Effective by Government (MN0034)" (accessed 11 Feb. 2024),
https://www.opengovpartnership.org/members/mongolia/commitments/ MN0034.

[9] Open Government Partnership, "Mongolia: Beneficial Ownership Transparency (MN0044)" (accessed 11 Feb. 2024),
https://www.opengovpartnership.org/members/mongolia/commitments/MN0044; Open Government Partnership,
"Contract Transparency in Extractives (MN0045)" (accessed 11 Feb. 2024),
https://www.opengovpartnership.org/members/mongolia/commitments/MN0045; Open Government Partnership,
"Mongolia: Strengthening Extractive Industry Transparency (MN0048)" (accessed 6 Feb. 2024),
https://www.opengovpartnership.org/members/mongolia/commitments/MN0048.

[10] Open Government Partnership, "Mongolia: Beneficial Ownership Transparency (MN0044)."

[11] Tsolmon Shar (EITI Mongolia), interviews by IRM researcher, 5 Dec. 2021 & 2 Feb. 2022; Namsrai Bayarsaikhan (Steps
without Borders), interview by IRM researcher, 14 Feb. 2022; Ilham Mohamed, Mariam Mathew, Losana Tuiraviravi, and
Urantsetseg Ulziikhuu, "CPI 2023 for Asia Pacific: Regional Stagnation Marked by Inadequate Delivery of Anti-
Corruption Commitments" (Transparency International, 30 Jan. 2024), https://www.transparency.org/en/news/cpi-2023-
asia-pacific-stagnation-due-to-inadequate-anti-corruption-commitments.

[12] Erdenechimeg Dashdorj (Open Society Forum Mongolia), correspondence with IRM researcher, 15 Mar. 2024.

[13] Andy McDevitt, IRM Action Plan Review: Mongolia 2021–2023 (Open Government Partnership, Jul. 2022),
https://www.opengovpartnership.org/documents/mongolia-action-plan-review-2021-2023.

[14] Dashpurev, "The 'Coal Theft' Case: Corruption and Reform of Mongolia's Strategic Minerals Governance."

[15] McDevitt, IRM Action Plan Review: Mongolia 2021–2023.

[16] Tsolmon Shar (EITI National Council), correspondence with IRM researcher, 12 Mar. 2024.

[17] Shar, correspondence.

[18] Erdenechimeg Dashdorj (Open Society Forum Mongolia), interview by IRM researcher, 5 Oct. 2023; Mongolia EITI,
Mongolia EITI 2023 Annual Report: Report for 2023 (Mongolia EITI National Secretariat, Dec. 2023) 3,
https://eiti.org/documents/mongolia-2023-annual-progress-report.

[19] Open Government Partnership, "Strengthening Extractive Industry Transparency (MN0048)."

[20] Dashdorj, correspondence.

[21] Shar, correspondence.

[22] Ministry of Justice and Home Affairs, "Extractive Industry Transparency Bill" (2023),
https://mojha.gov.mn/content/651fbaff99e06106c641f63a.

[23] Dashdorj, correspondence.

[24] Shar, correspondence.

[25] McDevitt, IRM Action Plan Review: Mongolia 2021–2023, 8.

[26] Shar, correspondence.

[27] Shar, correspondence.

[28] Dashdorj, correspondence.

[29] The IRM requested comments from the Head of Mining Policy at the Ministry of Mining and Heavy Industry, the Head
of the Mineral Resources and Petroleum Authority, and the Acting State Secretary of the Ministry of Justice and Home
Affairs via email correspondence on 5 January, 11 March, and 26 April 2024 but did not receive any responses.

[30] Global Affairs Canada, "Privacy Impact Assessment for Extractive Sector Corporate Social Responsibility (CSR)
Counsellor" (Canada.ca, 15 Aug. 2023), https://www.international.gc.ca/transparency-transparence/information-privacy-
information-protection/assessment-evaluation/responsibility-responsabilite.aspx?lang=eng.

[31] Sarah Dickson, "Philippines: Four Ways Beneficial Ownership Transparency Can Benefit the Extractive Industries and
Beyond" (Open Government Partnership, 8 Apr. 2021), https://www.opengovpartnership.org/stories/four-ways-
beneficial-ownership-transparency-can-benefit-the-extractive-industries-and-beyond.

[32] Open Government Partnership, "Slovak Republic: Improvement of Beneficial Ownership Data Quality (SK0143)"
(accessed 21 Feb. 2024), https://www.opengovpartnership.org/members/slovak-republic/commitments/SK0143.

[33] Open Government Partnership, "Ukraine: Beneficial Ownership Verification System (UA0061)" (accessed 21 Feb.
2024), https://www.opengovpartnership.org/members/ukraine/commitments/UA0061.

[34] Open Government Partnership, "Indonesia: Extractives Data Management (ID0092)" (accessed 31 Jan. 2024),
https://www.opengovpartnership.org/members/indonesia/commitments/ID0092.

[35] Open Government Partnership, "Mongolia: Create Favorable Environment for Media and Journalism (MN0026)"
(accessed 19 Feb. 2024), https://www.opengovpartnership.org/members/mongolia/commitments/MN0026; Open
Government Partnership, "Mongolia: Ensuring Right to Information (MN0049)" (accessed 19 Feb. 2024),
https://www.opengovpartnership.org/members/mongolia/commitments/MN0049.

36 See National Committee for Human Rights, *НЭГДСЭН ҮНДЭСТНИЙ БАЙГУУЛЛАГЫН ХҮНИЙ ЭРХИЙН МЕХАНИЗМЫН ЗӨВЛӨМЖИЙН НЭГТГЭЛ* [Consolidation of the United Nations Human Rights Council's Recommendations] (2023), https://irgen-tur.mn/file/download/42.

37 Badamsambuu and Davaanyam, correspondence, 11 Mar. 2024.

38 Reporters Without Borders, "Mongolia" (accessed 7 Feb. 2024), https://rsf.org/en/country/mongolia.

39 Liam Scott, "Jailing of High-Profile Journalist Shocks Mongolia's Media Industry" (Voice of America, 5 Jan. 2024), https://www.voanews.com/a/jailing-of-high-profile-journalist-shocks-mongolia-s-media-industry/7428962.html.

40 Reporters Without Borders, "Mongolia;" Reporters Without Borders, "UN Human Rights Review on Mongolia: RSF Urges Members to Join Its Call for Press Freedom Reforms" (28 Oct. 2020), https://rsf.org/en/un-human-rights-review-mongolia-rsf-urges-members-join-its-call-press-freedom-reforms.

41 Reporters Without Borders, "Mongolia."

42 Purevsuren Boldkhuyag et al., *Media Freedom Report 2020* (Globe International Center, 3 May 2021), https://www.gic.mn/public/docs/freedom_report/media_freedom_report_2020_en.pdf.

43 Ilham Mohamed et al., "CPI 2023 for Asia Pacific: Regional Stagnation Marked by Inadequate Delivery of Anti-Corruption Commitments" (Transparency International, 30 Jan. 2024) https://www.transparency.org/en/news/cpi-2023-asia-pacific-stagnation-due-to-inadequate-anti-corruption-commitments.

44 Press Institute, "Media Ownership Monitor: Mongolia 2016, Society" (7 Dec. 2016), https://mongolia.mom-rsf.org/en/context/society.

45 Alan Soon and Rishad Patel, "Mongolia: Codifying and Funding the Media Ecosystem" (Splice Media, 7 Jan. 2022) https://www.splicemedia.com/our-work/mongolia-codifying-and-funding-the-media-ecosystem.

46 National Committee for Human Rights, *Open Government Partnership: Mongolia's 5th National Action Plan 2024-2027* (27 Dec. 2023) 13, 17, https://www.opengovpartnership.org/wp-content/uploads/2024/01/Mongolia_Action-Plan_2023-2027_December.pdf.

47 Khashkhuu Naranjargal, "Internet Freedom in Mongolia" *FOCUS* 91 (Asia-Pacific Human Rights Information Center, Mar. 2018), https://www.hurights.or.jp/archives/focus/section3/2018/03/internet-freedom-in-mongolia.html; Globe International Center, "Mongolian Website Blocked After Posting Article About Prime Minister's Property" (IFEX, 9 Jul. 2014), https://ifex.org/mongolian-website-blocked-after-posting-article-about-prime-ministers-property.

48 Anonymous civil society stakeholder 2, correspondence with IRM researcher, 26 Mar. 2024.

49 Article 19, "Mongolia: Criminalization of Defamation is Another Disturbing Attack on Media Freedom, Threatening Anti-Corruption Efforts" (29 April 2020), https://www.article19.org/resources/mongolia-criminalization-of-defamation-is-another-disturbing-attack-on-media-freedom-threatening-anti-corruption-efforts.

50 Boldkhuyag et al., *Media Freedom Report 2020*.

51 Anonymous civil society stakeholder 2, correspondence.

52 Anonymous civil society stakeholder 2, correspondence.

53 Soon and Patel, "Mongolia: Codifying and Funding the Media Ecosystem."

54 Anonymous civil society stakeholder 2, correspondence.

55 International Fact-Checking Network, "The Commitments of the Code of Principles" (Poynter Institute for Media Studies, 7 Feb. 2024), https://ifcncodeofprinciples.poynter.org/know-more/the-commitments-of-the-code-of-principles.

56 The IRM requested comments from the Acting State Secretary of the Ministry of Justice and Home Affairs via email correspondence on 5 January, 11 March, and 26 April 2024 but did not receive any responses.

57 Accountable Journalism, "Press Council: Indonesia" (22 Aug. 2017), https://accountablejournalism.org/press-councils/Indonesia.

58 Open Government Partnership, "Indonesia: Open Government: The Indonesian Experience" (1 Feb. 2013), https://www.opengovpartnership.org/stories/open-government-the-indonesian-experience.

59 Open Government Partnership, "Mongolia: Citizens' Satisfaction Survey (MN0041)" (accessed 3 Feb. 2024), https://www.opengovpartnership.org/members/mongolia/commitments/MN0041.

60 Badamsambuu and Davaanyam, correspondence, 11 March 2024.

61 "Supporting Government to redevelop the Guideline for M&E in public policies," Mongolian Evaluation Association, August 2023, https://www.mongolianevaluation.mn/31/nitem.

62 Bolorsaikhan Badamsambuu and Nominchimeg Davaanyam (National Committee for Human Rights), interview by IRM researcher, 5 Feb. 2024.

63 The IRM requested comments from the Director-General of the Authority of Government Supervisory via email correspondence on 5 January, 11 March, and 26 April 2024 but did not receive any responses.

64 Civil House of the Presidency of the Republic (Brazil), "Decreto N° 8.243, de 23 de Maio de 2014" [Decree No. 8.243 of 23 May 2014] (23 May 2014), https://www.planalto.gov.br/ccivil_03/_ato2011-2014/2014/decreto/D8243impressao.htm.

65 *Id*.

66 Participedia, "Method: Public Policy Council (Brazil)" (accessed 26 Apr. 2024), https://participedia.net/method/4400.

---

[67] Ministry of Digital Development and Communications, "Нээлттэй мэдээллийн ил тод байдлын үнэлгээ" [Evaluation of data transparency] (archived 19 Dec. 2023), https://web.archive.org/web/20231219031812/https:/shilen.gov.mn.

[68] Open Government Partnership, "Mongolia: Regulation and transparency of drug prices (MN0054)" (accessed 24 Feb. 2024), https://www.opengovpartnership.org/members/mongolia/commitments/MN0054.

[69] Anonymous civil society stakeholder 1, interview by IRM researcher, 18 Mar. 2024.

[70] Ravio Patra, *Independent Reporting Mechanism Results Report: Mongolia 2021–2023* (Open Government Partnership, 7 Mar. 2024), https://www.opengovpartnership.org/wp-content/uploads/2024/03/Mongolia_Results-Report_2021–2023_EN.pdf.

[71] Open Government Partnership, "Argentina: Opening of Public Information on Disciplinary Procedures for Judges (AR0036)" (accessed 8 Feb. 2024), https://www.opengovpartnership.org/members/argentina/commitments/AR0036; Open Government Partnership, "Argentina: Publishing Water and Sanitation Data (AR0085)" (accessed 8 Feb. 2024), https://www.opengovpartnership.org/members/argentina/commitments/AR0085; Open Government Partnership, "Argentina: Opening Data from the National Congress (AR0045)" (accessed 8 Feb. 2024), https://www.opengovpartnership.org/members/argentina/commitments/AR0045.

Section III: Methodology and IRM Indicators

The purpose of this review is not an evaluation. It is intended as a quick, independent, technical review of the characteristics of the action plan and the strengths and challenges the IRM identifies to inform a stronger implementation process. The IRM highlights commitments that have the highest potential for results, a high priority for country stakeholders, a priority in the national open government context, or a combination of these factors.

The three IRM products provided during a national action plan cycle include:
- **Co-Creation Brief:** A concise brief that highlights lessons from previous IRM reports to support a country's OGP process, action plan design, and overall learning.
- **Action Plan Review:** A technical review of the characteristics of the action plan and the strengths and challenges IRM identifies to inform a stronger implementation process.
- **Results Report:** An overall implementation assessment that focuses on policy-level results and how changes happen. It also checks compliance with OGP rules and informs accountability and longer-term learning.

In the Action Plan Review, the IRM follows a filtering and clustering process to identify promising reforms or commitments:

Step 1: Determine what is reviewable based on the verifiability of the commitment as written in the action plan.
Step 2: Determine if the commitment has an open government lens. Is it relevant to OGP values?
Step 3: Review commitments that are verifiable and have an open government lens to identify if certain commitments need to be clustered. Commitments that have a common policy objective or contribute to the same reform or policy issue should be clustered. The potential for results of clustered commitments should be reviewed as a whole. IRM staff follow these steps to cluster commitments:
   a. Determine overarching themes. If the action plan is not already grouped by themes, IRM staff may use OGP's thematic tagging as reference.
   b. Review commitment objectives to identify commitments that address the same policy issue or contribute to the same broader policy or government reform.
   c. Organize commitments into clusters as needed. Commitments may already be organized in the action plan under specific policy or government reforms.
Step 4: Assess the potential for results of the clustered or standalone commitment.

Filtering is an internal process. Data for individual commitments is available in Annex 1. In addition, during the internal review process of this product, the IRM verifies the accuracy of findings and collects further input through peer review, OGP Support Unit feedback as needed, interviews and validation with country stakeholders, an external expert review, and oversight by IRM's International Experts Panel (IEP).

As described earlier, IRM relies on **three key indicators** for this review:

Open
Government
Partnership

Independent
Reporting
Mechanism

I. Verifiability
- **Yes, specific enough to review:** As written in the action plan, the stated objectives and proposed actions are sufficiently clear and include objectively verifiable activities to assess implementation.
- **No, not specific enough to review:** As written in the action plan, the stated objectives and proposed actions lack clarity and do not include explicitly verifiable activities to assess implementation.
  Commitments that are not verifiable will be considered not reviewable, and further assessment will not be carried out.

II. Open government lens
This indicator determines if the commitment relates to the open government values of transparency, civic participation, or public accountability as defined by the Open Government Declaration and the OGP Articles of Governance by responding to the following guiding questions. Based on a close reading of the commitment text, the IRM first determines whether the commitment has an open government lens:
- **Yes/No:** Does the commitment set out to make a policy area, institution, or decision-making process more transparent, participatory, or accountable to the public?

The IRM uses the OGP values as defined in the Articles of Governance. In addition, the following questions for each OGP value may be used as a reference to identify the specific open government lens in commitment analysis:
- **Transparency:** Will the government disclose more information, improve the legal or institutional frameworks to guarantee the right to information, improve the quality of the information disclosed to the public, or improve the transparency of government decision-making processes or institutions?
- **Civic Participation:** Will the government create or improve opportunities, processes, or mechanisms for the public to inform or influence decisions? Will the government create, enable, or improve participatory mechanisms for minorities or underrepresented groups? Will the government enable a legal environment to guarantee freedoms of assembly, association, and peaceful protest?
- **Public Accountability:** Will the government create or improve opportunities to hold officials answerable for their actions? Will the government enable legal, policy, or institutional frameworks to foster accountability of public officials?

III. Potential for results
The IRM adjusted this indicator—formerly known as the "potential impact" indicator—to take into account the feedback from the IRM Refresh consultation process with the OGP community. With the new results-oriented strategic focus of IRM products, the IRM modified this indicator to lay out the expected results and potential that would be verified in the IRM Results Report after implementation. Given the purpose of this Action Plan Review, the assessment of potential for results is only an early indication of the possibility the commitment has to yield meaningful results based on its articulation in the action plan in contrast with the state of play in the respective policy area.

Open
Government
Partnership

Independent
Reporting
Mechanism

The scale of the indicator is defined as:
- **Unclear:** The commitment is aimed at continuing ongoing practices in line with existing legislation, requirements, or policies without indication of the added value or enhanced open government approach in contrast with existing practice.
- **Modest:** A positive but standalone initiative or change to processes, practices, or policies. The commitment does not generate binding or institutionalized changes across government or institutions that govern a policy area. Examples are tools (e.g., websites) or data release, training, or pilot projects.
- **Substantial:** A possible game changer for practices, policies, or institutions that govern a policy area, public sector, or the relationship between citizens and state. The commitment generates binding and institutionalized changes across government.

This review was prepared by the IRM in collaboration with Ravio Patra and was externally expert reviewed by Brendan Halloran. The IRM methodology, quality of IRM products, and review process are overseen by IRM's IEP. For more information, see the IRM Overview section of the OGP website.[1]

---

[1] Open Government Partnership, "Overview: Independent Reporting Mechanism" (accessed 9 May 2024), https://www.opengovpartnership.org/irm-guidance-overview.

Open
Government
Partnership

Independent
Reporting
Mechanism

Annex 1: Commitment by Commitment Data[1]

Commitment 1: Advancing Extractive Industry Transparency
- Verifiable: Yes
- Does it have an open government lens? Yes
- Potential for results: Substantial

Commitment 2: Safeguarding Freedom of Information
- Verifiable: Yes
- Does it have an open government lens? Yes
- Potential for results: Unclear

Commitment 3: Supporting Civic Freedom and Independent Civil Society
- Verifiable: Yes
- Does it have an open government lens? Yes
- Potential for results: Modest

Commitment 4: Protecting Media Freedom
- Verifiable: Yes
- Does it have an open government lens? Yes
- Potential for results: Substantial

Commitment 5: Increasing Participation in Budgeting Process
- Verifiable: Yes
- Does it have an open government lens? Yes
- Potential for results: Unclear

Commitment 6: Optimizing Access to Government Services
- Verifiable: Yes
- Does it have an open government lens? Yes
- Potential for results: Modest

Commitment 7: Creating an Open Data Culture
- Verifiable: Yes
- Does it have an open government lens? Yes
- Potential for results: Modest

Commitment 8: Evaluating Citizen Satisfaction of Government
- Verifiable: Yes
- Does it have an open government lens? Yes
- This commitment has been clustered as: Participatory Evaluation of Government Policies and Services (Commitments 8 and 9)
- Potential for results: Modest

Commitment 9: Increasing Administrative Openness

- Verifiable: Yes
- Does it have an open government lens? Yes
- This commitment has been clustered as: Participatory Evaluation of Government Policies and Services (Commitments 8 and 9)
- Potential for results: Modest

---

[1] **Editorial notes:**

1. For commitments that are clustered: the assessment of potential for results is conducted at the cluster level, rather than the individual commitments.
2. Commitment short titles may have been edited for brevity. For the complete text of commitments, please see: National Committee for Human Rights, Open Government Partnership: Mongolia's 5th National Action Plan 2024-2027 (27 Dec. 2023), https://www.opengovpartnership.org/wp-content/uploads/2024/01/Mongolia_Action-Plan_2023-2027_December.pdf.

Annex 2: Action Plan Co-Creation

OGP member countries are encouraged to aim for the full ambition of the OGP Participation and Co-Creation Standards that came into force on 1 January 2022.[1] The IRM assesses all countries that submitted action plans from 2022 onward under the updated standards. Table 2 outlines the extent to which the countries' participation and co-creation practices meet the minimum requirements that apply during development of the action plan.

OGP instituted a 24-month grace period to ensure a fair and transparent transition to the updated standards. Action plans co-created and submitted by 31 December 2023 fall within the grace period. The IRM will assess countries' alignment with the standards and their minimum requirements.[2] However, countries will only be found to be acting contrary to process if they do not meet the minimum requirements for action plans co-created in 2024 and onwards.

Please note that, according to the *OGP National Handbook*, countries implementing four-year action plans must undertake a refresh process at the two-year mark. Countries are expected to meet minimum requirements 3.1 and 4.1 during the refresh process.[3] IRM assessment of the refresh process will be included in the Results Report.

Table 2. Compliance with minimum requirements

Minimum requirement	Met during co-creation?	Met during implementation?
1.1 Space for dialogue: The Chief Cabinet Secretary issued Order No. 99 on 1 November 2023 to establish a working group comprising of 28 government and 24 non-government representatives tasked with co-creating Mongolia's fifth OGP action plan. The working group's composition and rules were made public following an online introductory workshop with OGP Support Unit and IRM staff on 25 October 2023.[4] Overall, the working group met six times throughout the co-creation period between November and December 2023.[5]	Yes	To be assessed in the Results Report
2.1 OGP website: Mongolia's OGP website, irgen-tur.mn/mn/blog/ogp, is publicly accessible and contains a copy of the action plan in both English and Mongolian with a summary of the co-creation process and a full list of contributing stakeholders.[6]	Yes	To be assessed in the Results Report
2.2 Repository: An OGP repository is available on Mongolia's OGP website, irgen-tur.mn/mn/blog/ogp. The repository was updated regularly throughout the co-creation process with relevant information such as IRM reports on prior action plan cycles, previous action plan documents, the co-creation agenda, government self-assessments, resources related to commitment development, and minutes of the working group meetings.[7]	Yes	To be assessed in the Results Report
3.1 Advance notice: The National Commission for Human Rights (NatComHR) published the co-creation agenda and mechanisms on Mongolia's OGP website on 25 October 2023, two weeks prior to the first working group meeting on 9 November 2023.[8]	Yes	Not applicable

Open Government Partnership

Independent Reporting Mechanism

3.2 Outreach: On 15 September 2023, prior to the start of the co-creation process, the Cabinet Secretariat published an open, public invitation for interested stakeholders to join the working group.[9] On 30 November 2023, the Cabinet Secretariat hosted a virtual public forum via Zoom to discuss the nine proposed commitments the working group had developed.[10] To further encourage active public participation, NatComHR recorded working group meetings and created a brief "Introduction to OGP" video, all of which were uploaded to a dedicated playlist on its YouTube channel.[11]	Yes	Not applicable
3.3 Feedback mechanism: NatComHR provided multiple channels for all stakeholders to provide input on the draft action plan, such as an online questionnaire (13–17 November 2023), a public forum (30 November 2023), a government and civil society comment period (11–15 November 2023), and another online comment period for working group members on the final nine proposed commitments (19–21 December 2023).[12] Stakeholders were also invited to actively contribute their ideas by email to NCHR@cabinet.gov.mn throughout the co-creation period.[13] Civil society feedback was also received and discussed at all working group meetings throughout the co-creation process.	Yes	Not applicable
4.1 Reasoned response: Working group responses and discussions of proposed commitment were documented in meeting minutes on Mongolia's OGP website[14] as well as in video recordings on the NatComHR YouTube channel.[15] Overall, non-government stakeholders expressed satisfaction with the responses provided to their input throughout the co-creation process.[16]	Yes	Not applicable
5.1 Open implementation: The IRM will assess whether meetings were held with civil society stakeholders to present implementation results and enable civil society to provide comments in the Results Report.	Not applicable	To be assessed in the Results Report

The IRM observed three key reasons why Mongolia's co-creation process made meaningful improvement in this cycle despite significant staffing and budget constraints:

- Since taking over the point of contact role in March 2023, NatComHR has showcased **strong leadership** in the domestic process and coordinated closely with the OGP Support Unit. While acknowledging the absence of institutional records of Mongolia's previous OGP processes,[17] NatComHR followed IRM recommendations to reactivate the multistakeholder forum and refresh the members on OGP mechanisms prior to the start of co-creation.
- **Transparent recruitment and clear remit** led to a consistent and effective working group process, while **advance publication of co-creation agenda and mechanisms** gave stakeholders adequate time to prepare efficiently and contribute actively throughout different co-creation stages.
- The consistent practice of **publishing brief, regular updates** on the national OGP website immediately after each working group meeting helped ensure that the **co-creation process was well documented** and accessible to the public. NatComHR's initiatives to

Open
Government
Partnership

Independent
Reporting
Mechanism

distribute an online questionnaire, conduct a virtual public forum, keep an email line open for public feedback, as well as upload video recordings of working group meetings and clips on OGP procedure to a YouTube channel are noteworthy efforts to **optimize consultative process and expand participation opportunities**.

[1] Open Government Partnership, "OGP Participation and Co-Creation Standards" (24 Nov. 2021), https://www.opengovpartnership.org/ogp-participation-co-creation-standards.

[2] Open Government Partnership, "IRM Guidelines for the Assessment of Minimum Requirements" (31 May 2022), https://www.opengovpartnership.org/documents/irm-guidelines-for-the-assessment-of-minimum-requirements.

[3] Open Government Partnership, "OGP National Handbook: Rules and Guidance for Participants (2024)" (11 Apr. 2024), https://www.opengovpartnership.org/documents/ogp-national-handbook-rules-and-guidance-for-participants-2022.

[4] National Committee for Human Rights, "Open Government Partnership Introductory Webinar" (25 Oct. 2023), http://irgen-tur.mn/mn/blog/ogp/single/216.

[5] Bolorsaikhan Badamsambuu and Nominchimeg Davaanyam (National Committee for Human Rights), correspondence with IRM researcher, 2 Feb. 2024.

[6] National Committee for Human Rights, "Periodic National Action Plan Co-Created with Stakeholders" (27 Dec. 2023), http://irgen-tur.mn/mn/blog/ogp/single/239.

[7] National Committee for Human Rights, "НЭЭЛТТЭЙ ЗАСГИЙН ТҮНШЛЭЛ" [Open Government Partnerships] [news webpage], (accessed 5 May 2024), http://irgen-tur.mn/mn/blog/ogp/news.

[8] National Committee for Human Rights, "Open Government Partnership Introductory Webinar."

[9] National Committee for Human Rights, "Invitation to Participate in Open Government Partnership National Plan V Development" (15 Sep. 2023), http://irgen-tur.mn/mn/blog/ogp/single/220.

[10] National Committee for Human Rights, "Invitation for Public Discussion" (27 Nov. 2023), http://irgen-tur.mn/mn/blog/ogp/single/228.

[11] National Committee for Human Rights, "Open Government Partnership Playlist" (YouTube, last updated 6 Feb. 2024), https://www.youtube.com/playlist?list=PL9fK4h0Z5-gGLocqBzSQg3QJSOIofbfwL.

[12] Badamsambuu and Davaanyam, correspondence.

[13] National Committee for Human Rights, "Invitation for Public Discussion."

[14] National Committee for Human Rights, "Open Government Partnership Working Group to Draft National Action Plan V Held Its First Session" (8 Nov. 2023), http://irgen-tur.mn/mn/blog/ogp/single/215.

[15] National Committee for Human Rights, "Open Government Partnership Playlist."

[16] Tsolmon Shar (EITI National Council), correspondence with IRM researcher, 12 Mar. 2024; Erdenechimeg Dashdorj (Open Society Forum Mongolia), correspondence with IRM researcher, 15 Mar. 2024; Anonymous civil society stakeholder 1, interview by IRM researcher, 18 Mar. 2024; Anonymous civil society stakeholder 2, correspondence with IRM researcher, 26 Mar. 2024.

[17] Bolorsaikhan Badamsambuu and Nominchimeg Davaanyam (National Committee for Human Rights), interview by IRM researcher, 5 Feb. 2024.

Open
Government
Partnership

Independent
Reporting
Mechanism